IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 226 OF 2006.
IN
NOTICE OF MOTION NO. 249 OF 2006
IN
SUIT NO. 207 OF 2006

Cdr.B.M.Bhat (Retd.) ... Appellant.
Versus.
Blyth Metals (India) Pvt.Ltd. ... Respondent.

Shri Virag Tulzapurkar, Senior Advocate with Ms.Lopa Munim i/by Kusumakar Kaushik for the Appellant.

Shri Zal T.Andhyarujina with Ms.Shruti Mehta i/by Tri Legal for the Respondent.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : 20th June, 2006.

P.C.:

1. Heard the learned Counsel appearing for the parties.

2. This appeal is directed against the order dated 2nd February 2006 passed by the learned Single Judge in Notice of Motion No.249 of 2006, whereby the learned Judge granted ad-interim relief in terms of prayer (b) of the motion. Prayer clause (b) of the motion reads thus:

> "(b) that pending the hearing and final disposal of the present suit for an order and injunction restraining the Defendant from in any manner using

and/or revealing to any third party the plaintiffs confidential information in more particularly stated in paragraph 17 of the plaint."

The learned Counsel for the Appellant submitted that the ad-interim relief as granted by the learned single Judge has put restraints on the Appellant in doing his own business. He submitted that the details as regards the customers of the Respondents which were supposed to be kept secret are freely available in public domain on the internet and in the telephone directory from where anyone can have access to the details which are enumerated in paragraph 17 of the plaint. He submitted that the learned Single Judge has committed an error in granting the relief, which has put the Appellant out of his business.

3. We have perused the secrecy clause which provides that the Appellant shall not reveal to any person, persons or company any of the trade secrets, technical information, secret or confidential operations processes or dealings or intellectual property of the Respondent, even after termination of his employment. As pointed out by the learned Counsel for the Appellant that as the details of the customers of the Respondent-company are freely available on internet, telephone directory etc., we feel that some

clarification as regards the impugned order may be necessary. We are not entering into the merits of the matter as the impugned order is an ad-interim order and the notice of motion is pending.

4. Without entering into the merits of the matter, we dispose of the Appeal by permitting the Appellant to move the learned single Judge for seeking clarification as regards the impugned order. The Appellant is at liberty to request for an expeditious hearing and disposal of the notice of motion. Parties shall complete their pleadings by filing affidavit-in-reply and rejoinder, if any, immediately. We are sure that if such a request is made, the learned Single Judge will consider the same. We also expect the learned Single Judge to hear and dispose of the notice of motion as expeditiously as possible. With the above observation, we dispose of the Appeal without entering into the merits of the matter. The learned Single Judge will dispose of the motion without being influenced by the ad-interim relief granted.

CHIEF JUSTICE

ABHAY S.OKA, J.